



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE NAMENDA INDIRECT PURCHASER :  
ANTITRUST LITIGATION :  
:
   
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15-CV-6549 (CM) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This resolves the issue concerning Forest's assertion of attorney-client privilege over a Namenda XR launch plan slide deck as described in Dkt. 657-659, 668-669, 672. The Court requested, received, and has reviewed unredacted versions of the slide deck and the redactions that Forest proposes to retain. The Court also has reviewed all submitted materials, including email correspondence demonstrating that Forest's outside counsel provided advice in regard to the launch deck. That does not mean, however, that all information in the slide deck is protected by attorney-client privilege, particularly as the primary purpose of the slide deck was for business purposes. Forest's proposed redactions, while fewer than its original redactions, still go too far. Accordingly, Forest may make the redactions as proposed except Forest may not redact any portion of the pages with Bates numbers ending in 777 (which sets forth considerations for timing of product launch but does not reflect legal advice concerning those considerations) and 780 (which sets forth a patent claim with no emphases or other annotations). To be clear, Forest need only produce conforming redacted copies of the final slide deck pages; it need not produce any drafts that were exchanged with Forest's outside or in-house counsel.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: March 3, 2021  
New York, New York

Copies transmitted this date to all counsel of record.